

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division
Civil Division**

CAVOUR NDAM

Plaintiff,

v.

DEUTSCHE LUFTHANSA
AKTIENGESELLSCHAFT,

Defendant.

Civil Action No.: 1:21-cv-01258

**PLAINTIFF’S CONSENT MOTION TO HOLD
DEFENDANT’S MOTION TO DISMISS IN ABEYANCE
PENDING RESOLUTION OF SIMEONE &
MILLER, LLP’S MOTION FOR LEAVE TO WITHDRAW AS COUNSEL**

Plaintiff Cavour Ndam (hereinafter, “Plaintiff”), by and through counsel, with the consent of Defendant Deutsche Lufthansa Aktiengesellschaft (hereinafter, “Defendant”), moves for this Court to hold Defendant’s Motion To Dismiss the Complaint For Fraud on the Court (hereinafter “Motion to Dismiss”) in abeyance pending resolution of SIMEONE & MILLER, LLP’s Motion for Leave to Withdraw as Counsel (hereinafter, “Motion to Withdraw”), in connection with the above-entitled matter for the following reasons:

1. This case is brought pursuant to Article 33 of the Convention for the Unification of Certain Rules for International Carriage by Air (Montreal, May 28, 1999) (hereinafter the “Montreal Convention”) and arises out of an accident on an international flight that occurred on November 24, 2019 in which Plaintiff was injured aboard Lufthansa Airlines Flight LH414.

2. Defendant filed its Motion to Dismiss on July 20, 2022, making Plaintiff's Opposition due August 3, 2022.

3. Defendant noticed the Motion to Dismiss for a hearing on September 8, 2022, 36 days after Plaintiff's Opposition to the Motion to Dismiss would be due.

4. On July 28, 2022, SIMEONE & MILLER, LLP filed its Motion to Withdraw.

5. If the Court grants SIMEONE & MILLER, LLP's Motion to Withdraw, Plaintiff should have the option to have a new attorney respond to the Motion to Dismiss, or respond himself.

6. Therefore, Plaintiff requests that this Court hold Defendant's Motion to Dismiss in abeyance pending resolution of the Motion to Withdraw.

7. Defendant consents to the relief requested herein.

WHEREFORE, Plaintiff respectfully requests that this Court grant *Plaintiff's Consent Motion to hold Defendant's Motion To Dismiss the Complaint For Fraud on the Court in abeyance pending resolution of SIMEONE & MILLER, LLP's Motion for Leave to Withdraw as Counsel*, that the Court enter an order holding Defendant's Motion to Dismiss the Complaint For Fraud on the Court in abeyance pending resolution of SIMEONE & MILLER, LLP's Motion for Leave to Withdraw as Counsel, and grant such other and further relief as this Court deems proper. A proposed order is attached.

Dated: July 29, 2022

RESPECTFULLY SUBMITTED

/s/ Michael C. Robinett

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Counsel for Plaintiff

Local Rule 7(e) Certification

I hereby certify that I conferred with opposing counsel in this matter and it was agreed that we would submit this petition without oral argument.

/s Michael C. Robinett

Michael C. Robinett

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CAVOUR NDAM

Plaintiff,

v.

DEUTSCHE LUFTHANSA
AKTIENGESELLSCHAFT, *et al.*,

Defendants.

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
PLAINTIFF'S CONSENT MOTION TO HOLD
DEFENDANT'S MOTION TO DISMISS IN ABEYANCE
PENDING RESOLUTION OF SIMEONE &
MILLER, LLP'S MOTION FOR LEAVE TO WITHDRAW AS COUNSEL**

1. The discretion of this court.

Dated: July 29, 2022

RESPECTFULLY SUBMITTED

/s/ Michael C. Robinett

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Counsel for Plaintiff

Certificate of Service

I hereby certify that on July 29, 2022, I caused a true and exact copy of the foregoing to be sent via electronic filing on:

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/s Michael C. Robinett
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